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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/780,659 | 02/19/2004 | Tomonori Minagawa | 03500.017922. | 3581 |
| 5514 7590 03/04/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | | |
| EXAMINER KENDALL, CHUCK O | | | | |
| ART UNIT 2192 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,659

Applicant(s)

MINAGAWA, TOMONORI

Examiner

CHUCK O. KENDALL

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,32,33-35,37,40,41 and 44 is/are pending in the application.
- 4a) Of the above claim(s) 1-29,31,36,38-41 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,32,33-35,37,40 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

1. This is in response to application filed 12/02/08.
2. Claims 1 – 29, 31, 36, 38 – 39 and 42 – 43 have been examined and claims 30, 32 – 35, 37, 40, 41 and 44 have amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 30, 32 – 35, 37, 40, 41 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Kemp et al. US 2003/0200289 A1.

Regarding claim 30, a remote install method for a program in a network system, said method comprising:

an acquisition step of acquiring printer information on certain printer provided in a networks, a specifying step of specifying an extended function program which can drive the printer, using the printer information acquired in the acquisition step [0006];

a displaying step of displaying (a) information indicating the extended function program specified in the specifying step [0030],

(b) an instruction section on which an installation instruction of the extended function program can be activated, and

(c) information identifying the printer [0044]; and

Regarding claim 32, (Currently Amended) The remote install method according to claim 30, wherein, the extended function program is registered as an object to be supported by an inter-object communication function provided by a operating system of the client apparatus, connected to a driver of a device connected to the client apparatus by the inter-object communication function, and called in a form decided in advance [0032].

Regarding claim 33, (Currently Amended) The remote install method according to claim 30, wherein, said sending step sends the extended function program to a designated client apparatus in accordance with

designation of a the client and an install start instruction entered via an input unit [0035].

Regarding claim 34, the remote install method according to claim 30, wherein, said sending step sends, to a designated client apparatus, an extended function program, allowed to be installed in a device allowed to be used for the designated client apparatus [0045].

Regarding claims 35 and 44, a server apparatus which provides a program to be remotely installed in a client apparatus, comprising:

an acquiring unit configured to acquire printer information on a certain printer provided in a network, a specifying unit configured to specify an extended function program which can drive the printer, using the printer information acquired by the acquiring unit [0009];

a display unit configured to display (a) information indicating the extended function program specified by the specifying unit, (b) an instruction section on which an installation instruction of the extended function program can be activated, and (c) information identifying the printer[0030];

and a sending unit configured to send the extended function program to the client apparatus in response to activation of the installation instruction on the instruction section displayed by the display unit[0009].

Regarding claim 37, the server apparatus according to claim 35, wherein the extended function program is registered as an object to be supported by an inter-object communication function provided by an operating system of the client apparatus, connected to a driver of a device connected to the client apparatus by said inter-object communication function, and called in a form decided in advance [0046].

Regarding claim 40, the server apparatus according to claim 35, wherein said sending unit sends the extended function program to a designated client apparatus in accordance with designation of the client apparatus and install starting instruction entered via an input unit [0029].

Regarding claim 41, the server apparatus according to claim 35, wherein said sending unit sends to a designated client apparatus an extended function program allowed to be installed in a device allowed to be used for the designated client apparatus [0043, see extensible].

Response to Arguments

5. Applicant's arguments with respect to claims 30, 32 – 35, 37, 40, 41 and
44 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence information

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone

number is 571-272-3698. The examiner can normally be reached between Monday and Thursday, at 11:00 am - 4:300pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chuck O Kendall/

Primary Examiner, Art Unit 2192